

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ORLAN CHARLES HORNE,

Plaintiff,

V.

ANDRES N. BERTOTTO S.A.I.C., an Argentine Corporation; HIDRO GRUBERT U.S.A., INC., and DOES I-V, inclusive,

Defendants.

Case No. 2:14-cv-00389-APG-NJK

Order Denying Motion for Default Judgment

(Dkt. #25)

13 Plaintiff Orlan Charles Horne obtained a \$5,169,829.15 Default Judgment against
14 defendant Hidro Grubert U.S.A., Inc. (“HG”) in Nevada state court. (Dkt. #25 at 34-35.) A few
15 years later, Horne filed a second lawsuit in Nevada state court purporting to collect upon that
16 Default Judgment. (Dkt. #4 at 6-9.) In that second suit, Horne also sued defendant Andres N.
17 Bertotto S.A.I.C. (“Bertotto”), alleging that Bertotto is the alter ego of HG. *Id.* Bertotto removed
18 that second suit to this court. (Dkt. ##1, 4.) Horne obtained a default against HG in this lawsuit,
19 and now moves for entry of a Default Judgment against HG in the same amount as the Default
20 Judgment he obtained against HG in the first state court lawsuit. (Dkt. #25.)

21 Horne's motion fails to explain why he needs another Default Judgment against HG. His
22 second lawsuit appears to allege no new claims against HG. Rather, the second lawsuit seeks to
23 collect upon the judgment previously entered, primarily by asserting alter ego claims against
24 Bertotto. (Dkt. #4 at 6-9.) Because no new claims are asserted against HG, any Default Judgment
25 entered against it in this lawsuit would be a needless duplication of the state court's Default
26 Judgment.

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1 Because Horne has failed to carry his burden of persuasion as to the need for entry of a
2 Default Judgment against HG, his motion is **DENIED** without prejudice.

3 Dated: April 27, 2015.

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5 ANDREW P. GORDON
6 UNITED STATES DISTRICT JUDGE

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